IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8996 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL ARVINDBHAI AMBALAL S/O. PATEL AMBALAL KISHORBHAI

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 8996 of 2002

MR NIKHIL JOSHI for PRADEEP PATEL for Petitioner No. 1

MR N.J.SHAH for MR DN PATEL for Respondents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 21/09/2002

ORAL JUDGEMENT

Rule. Mr. N.J.Shah, learned advocate appears and waives service of notice of rule on behalf of the respondents. With the consent of the parties, matter is taken up for final hearing today.

2. The contention raised by the petitioner is that

the passport is already issued. However, the birth date initially in the passport is recorded as 31.05.1950 whereas the correct birth date is 11.08.1950. The petition submits that an application is made to the Passport authorities, however, the authorities have declined to consider the same in the absence of any order passed by this Court.

3. Mr. N.J.Shah, learned advocate for the respondents submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this Court directs the passport authorities, they will consider the matter.

4. Mr. Nikhil Joshi, learned advocate for the petitioner submits that in similar matters this Court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued and to issue fresh passport.

5. In view of the above, the respondent-Passport Authority is directed to consider the case of the petitioner for change in birth date from 31.05.1950 to 11.08.1950 in the passport of the petitioner bearing No.F 122452 and to pass appropriate orders in accordance with law. The respondent-Passport authorities shall take decision within a period of six weeks from the date of receipt of writ of this Court. However, the petitioner shall pay costs of Rs.2500/- to the respondent-Passport authorities since the Passport authorities cannot be saddled with costs of litigation.

6. For the foregoing reasons petition succeeds and accordingly it is allowed. Rule is made absolute.

Direct service is permitted.

(A.M.Kapadia,J)

Jayanti*